

## **REMARKS**

In response to the Office Action dated February 23, 2006, Applicants respectfully request reconsideration.

### **Drawings**

Enclosed herewith are Replacement Sheets replacing original FIGS. 1-5.

FIGS. 1 and 5 stand “objected to under 37 C.F.R. § 1.84(m) because they fail to show the necessary textual description stated in the drawings figures of figures 1 and 5.” The shading has been removed from FIGS. 1 and 5. Applicants respectfully assert that FIGS. 1 and 5 comply with 37 C.F.R. § 1.84(m).

Furthermore, FIGS. 2 and 5 have been amended. FIG. 2 has been amended to show a volume manager 221 instead of a volume manager 112. FIG. 5 has been amended to include a “file management system 500.” Applicants assert that no new matter is introduced by the amendments to FIGS. 2 and 5.

### **Specification**

The Specification stands objected to. The Examiner has required that the Applicants provide serial numbers for the related applications indicated on page 1, ¶ [01] of the specification. Applicants have amended the specification as required by the Examiner.

### **Double patenting**

Claims 1-5, 7-13, 15-32, 36-43, 45-54, and 62-65 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting. Applicants assert that claims 1-5, 7-13, 15-32, 36-43, 45-54, and 62-65 of the present application are patentably distinct over the other claims identified by the Examiner. Applicants, however, are

submitting a terminal disclaimer herewith, thus obviating the double patenting rejection of claims 1-5, 7-13, 15-32, 36-43, 45-54, and 62-65.

**35 U.S.C. § 101 rejections**

Claim 1 stands rejected under 35 U.S.C. § 101 as being directed to a system of managing volumes of electronic files which is an abstract idea or the mere manipulation of an abstract idea. Applicants thank the Examiner for the suggestion of amending claim 1 to read “A computerized file management system.” Claim 1 has been amended to reflect the Examiner’s suggested language. Thus, Applicants assert that claim 1 satisfies 35 U.S.C. § 101.

**35 U.S.C. § 103 rejections**

Claims 1-68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,330,572 (Sitka) in view of U.S. Patent No. 6,741,996 (Brechtner).

Sitka in view of Brechtner does not teach, disclose, suggest, or make obvious a computerized file management system, as recited in claim 1, for use with an existing file system, the file management system including a volume manager and a coherency manager module. The Examiner cited FIG. 2, element 52 and col. 17, ll. 23-26 of Sitka as teaching or suggesting a volume manager that manages the electronic files as metadata relating to such files. (Office Action dated 2/23/06, p. 7). While Sitka uses the term “volume manager,” this item is very different from the volume manager recited in claim 1. The cited portions of Sitka discuss a volume manager 52 that:

carries out the following tasks: (1) maintains the records in the Volume and Store tables in the database; (2) aids in selecting appropriate destination volumes for IO Requests; (3) gets volumes ready for transferring data; and (4) when data transfer is complete, releases the volumes. In preparing volumes for transfer, volume manager 52: (a) issues Volume Mount requests to the Library Server 16 and handle the responses; and (b) issues requests to Volume Server 18 to prepare the drive and volume for file segment commands, and handle the responses. Volume Server 18 sets up Data Mover 20, 21. To release the volumes,

Volume Manager 52 issues requests to Volume Server 18 to release the volume and drive, and issues requests to Library Server 16 to unmount the Volume.

Col. 15, l. 15 – col. 16, l. 4. While Sitka discusses file metadata, the cited portion of Sitka does not disclose that the volume manager manages the metadata. The cited portions disclose that the file metadata is contained in the Database Server 26, rather than a volume. Thus, Sitka does not teach, suggest, disclose, or make obvious a volume manager configured to manage electronic files on the volume and to manage metadata relating to the electronic files on the volume, as does claim 1. Nor do the cited portions of Sitka discuss a volume manager, as does claim 1, being transactionally based and configured to track transactions related to a selected file of the electronic files and to keep a record of i) what changes are made to the selected file, ii) who makes the changes to the selected file, and iii) when the changes are made to the selected file.

Furthermore, Sitka in view of Brechner does not teach, disclose, suggest, or make obvious a computerized file management system, as recited in claim 1, including a coherency manager configured to track a version of a selected file, and a relationship of the selected file to another selected file. The Examiner cited FIG. 2, elements 42 or 48 of Sitka as teaching “a coherency manager that manages one or more of files related bases [sic] on metadata associated with the files within or among the one or more volumes.” (Office Action dated 2/23/06, p. 7). Elements 42 and 48 correspond to a Fileset Manager 42 and an IO worker thread 48, respectively. The “Fileset Manager 42 handles requests that deal with all files in a Fileset” (e.g., a collection of associated files). Sitka, col. 11, ll. 30-35, col. 14, ll. 40-41. Fileset manager 42 translates the Fileset request into a set of File requests for the file manager, tracks the completion of the associated File requests, and notifies the requestor when the Fileset operation is complete. *Id.*, col. 14, ll. 41-44. The cited portions of Sitka do not disclose that the Fileset manager 42 manages versions of a selected file. Furthermore, the IO worker thread 48 is dispatched to handle IO requests that may take some time to complete and to direct data transfer from the volume manager 52. *Id.*, col. 15, ll. 35-49. The cited portions of Sitka do not disclose that the IO worker thread 48 manages versions of a selected file. In contrast, claim 1 recites a coherency manager module configured to manage i) a version of a selected file; and ii) a

relationship of the selected file, to another of the electronic files, based on metadata associated with the selected file. Thus, for at least the above reasons, claim 1 is patentable over Sitka in view of Brechner.

Claims 2-32, 34-42 and 44-68, which depend from independent claim 1, stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Sitka in view of Brechner. For at least the reasons discussed above with respect to independent claim 1, claims 2-42 and 44-68 are patentable over Sitka in view of Brechner.

Claim 43, which depends from independent claim 1, stands rejected under 35 U.S.C. § 103(a) in view of Sitka in view of Brechner, in further view of U.S. Pat. No. 6,055,534 (Nishino). The Examiner does not assert that Nishino makes up for the deficiencies noted above with respect to independent claim 1 from which dependent claim 43 depends. Thus, dependent claim 43 is patentable for at least the same reasons discussed above with respect to independent claim 1.

#### **Additional claims**

Claim 69-70 have been added. Applicants assert that no new matter has been introduced by claims 69-70. Applicants assert that claims 69-70 are patentable, and a notice to that effect is respectfully requested.

#### **Conclusion**

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. If a telephone conversation with Applicant's representative would help expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at (617) 542-6000.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account 50-0311, Reference No. 25396-003.

Respectfully submitted,

Handwritten signatures of Shane Hunter and Kyle Turley in black ink, positioned above a horizontal line.

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